

Amendments to the Drawings:

The attached sheet of drawings includes changes to Fig. 6. This sheet, which includes Fig. 6, replaces the original sheet including Fig. 6. A marked up copy of the replacement sheet is also enclosed to show the corrections made.

Attachment: Replacement Sheet for Fig. 6.
Replacement Sheet for Fig. 6 (with corrections noted)

REMARKS

The above amendments are submitted in response to the Final Office Action mailed June 21, 2007 and in connection with a Request for Continued Examination (RCE). In addition, Applicant respectfully requests that a one-month extension of time be granted to respond to the Office Action mailed June 21, 2007 and that the Examiner consider this a petition therefor. Since October 21, 2007 is a Sunday, the period of response extends up to and includes October 22, 2007, and this paper is timely filed. Authorization for a Credit Card charge of \$930.00 (including \$810.00 for the requisite RCE fee and \$120.00 for the one-month extension fee) is hereby included in the Electronic Fee Sheet attached. Reconsideration and allowance of all pending claims by the Examiner are therefore respectfully requested.

In the subject Office Action, the Examiner objected to the amended specification and drawings. Moreover, claims 1-4, 6-9, 11-12, 16-21, 23-25, 27-28 and 31-35 were rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent Application Publication No. 2004/0199632 by Romero et al. In addition, claims 5, 10, 13-15, 22, 26 and 29-30 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Romero et al. in view of U.S. No. 6,260,068 to Zalewski et al.

Applicant respectfully traverses the Examiner's rejections to the extent that they are maintained. Applicant has further amended the specification and drawings and amended claims 1, 16, 31 and 33-35. Applicant respectfully submits that no new matter is being added by the above amendments, as the amendments are fully supported in the specification, drawings and claims as originally filed. Applicant also notes that the amendments made herein are being made only for facilitating expeditious prosecution of the aforementioned claimed subject matter. Applicant is not conceding in this application that the originally claimed subject matter is not patentable over the art cited by the Examiner, and Applicant respectfully reserves the right to pursue this and other subject matter in one or more continuation and/or divisional patent applications.

Now turning to the subject Office Action, and initially to the with regard to the objections to the drawings and specification, the Examiner will note that Applicant has

amended the drawings and the specification as suggested by the Examiner. A replacement sheet showing the corrections made to Fig. 6 is also enclosed. Withdrawal of the objection is respectfully requested.

Now turning to the art-based rejections, the Examiner will note that all independent claims (claims 1, 16, 31 and 33-35) has been amended to clarify that the source and destination computers are geographically dispersed from one another, support for which may be found, for example, at page 2, lines 8-10 of the application as filed. As discussed in Applicant's prior response, Applicant's invention addresses a problem found in conventional capacity on demand system where, due to the fact that standby resources such as processors are constructed integrally within their respective computers, it is not feasible to physically remove and reapportion standby processors as between different physical computers. As a consequence, a scenario can develop where a customer having two computers (each having a distinct set of standby resources) must activate additional standby resources on one computer to handle an increased workload, while active standby resources of another computer remain underutilized. Such a situation is particularly troublesome in the instances where the computers are geographically dispersed and/or are subjected to peak work loads at different times, as while a customer may have enough active standby resources distributed among multiple computers to handle that customer's overall workload, inefficiencies may nonetheless occur at particular times due to the inability to physically redistribute standby resources between different computers.

Applicant's claimed invention addresses this situation by enabling standby resources physically disposed in one computer to be deactivated in conjunction with the activation of standby resources physically disposed in another computer that is geographically dispersed from the other computer.

Romero does not disclose or suggest the activation of standby resources in one computer along with the deactivation of standby resources in another, geographically dispersed computer. As shown in Fig. 1, Romero is directed to a single, partitioned server computer 10 (paragraph [0019]). The server computer 10 relies on hardware-based partitioning, where processor resources, which are apparently disposed in "cells" or

“modules,” are dedicated to particular partitions in the computer (paragraphs [0006], [0011]). Romero does disclose that the activation of a reserve processor in one partition can be performed along with the deactivation of a reserve processor in another partition to maintain static processor cost (paragraph [0010]); however, Romero discloses only that these reserve processors are allocated to different partitions within the same computer/server. There is no disclosure or suggestion in the reference that reserve processors disposed in separate, geographically dispersed computers can be activated or deactivated in concert to maintain a static processor cost.

The independent claims are therefore all novel over Romero, and the rejections should be withdrawn.

The independent claims are also non-obvious over Romero, as there is no suggestion in the reference or elsewhere in the art that would provide an objective reason why one of ordinary skill in the art would be motivated to modify Romero to transfer standby resource availability between geographically dispersed computers. Romero utilizes a workload manager that manages the activation and deactivation of reserve processors in different partitions in the same server responsive to Service Level Objectives assigned to each of the partitions. Given the architecture utilized by Romero, allocation of reserve processors located in separate, geographically dispersed computers would require a completely different architecture to implement such functionality. As such, Applicant submits that one of ordinary skill in the art would not be motivated to modify Romero to arrive at the claimed invention, which allocates standby resources located in geographically dispersed computers. Reconsideration and allowance of all pending claims are therefore respectfully requested.

As a final matter, Applicant traverses the Examiner's rejections of the dependent claims based upon their dependency on the aforementioned independent claims. Nonetheless, Applicant notes that a number of these claims recite additional features that further distinguish these claims from the references cited by the Examiner. However, in the interest of prosecutorial economy, these claims will not be addressed separately herein.

In summary, Applicant respectfully submits that all pending claims are novel and non-obvious over the prior art of record. Reconsideration and allowance of all pending claims are therefore respectfully requested. If the Examiner has any questions regarding the foregoing, or which might otherwise further this case onto allowance, the Examiner may contact the undersigned at (513) 241-2324. Moreover, if any other charges or credits are necessary to complete this communication, please apply them to Deposit Account 23 3000.

Respectfully submitted,

October 22, 2007
Date

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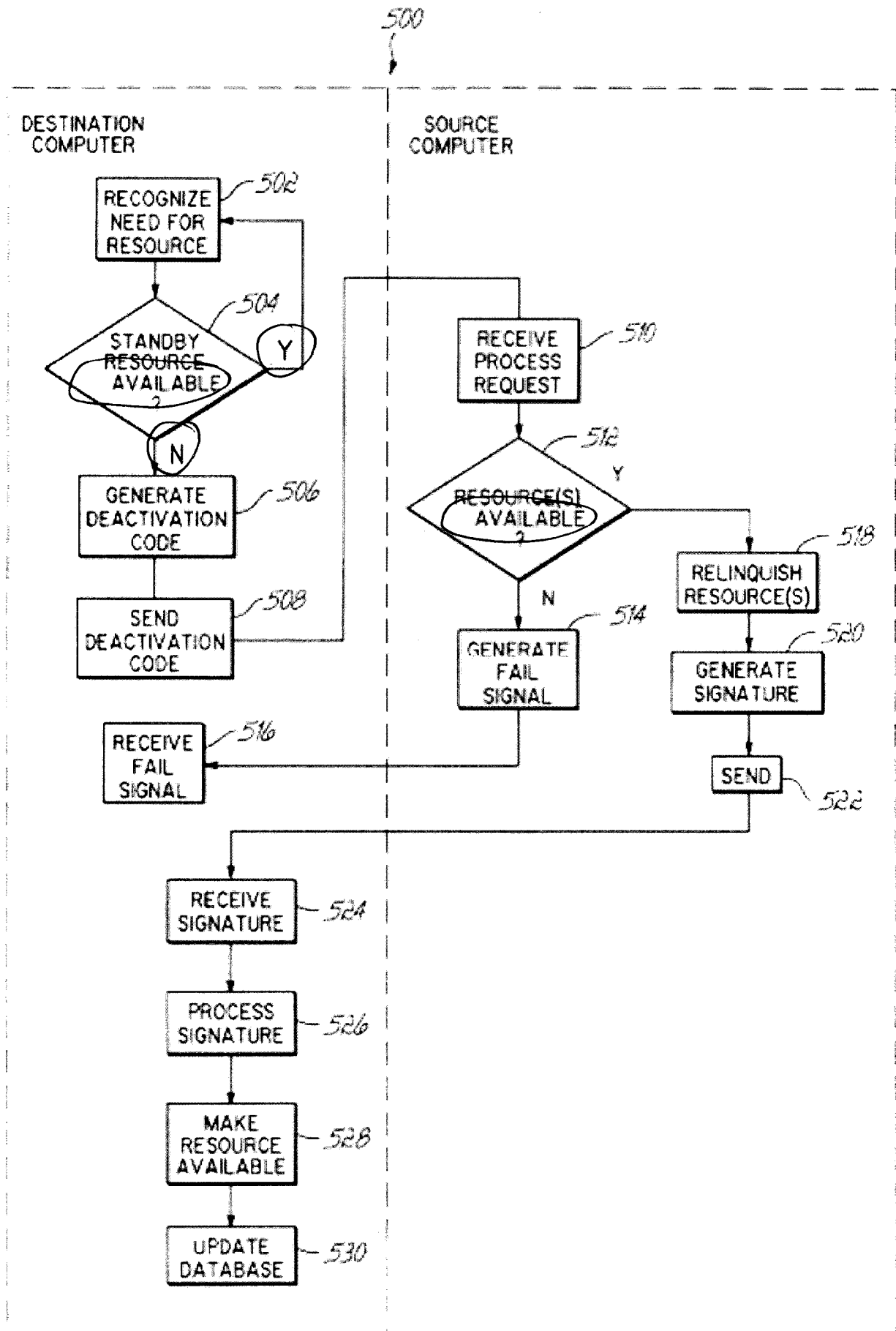


FIG. 6